

JOE WARDY  
MAYOR



**CITY COUNCIL**

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
AUGUST 31, 2004  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook and Anthony W. Cobos. Late Arrival: Paul J. Escobar arrived at 9:33 a.m. and Vivian Rojas arrived at 9:17 a.m. Absent: None. Meeting was called to order at 9:11 a.m. and the invocation was given by Pastor Ponce Brown, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. ***City of El Paso Employees Combined Charities Campaign Kick-Off Week***
2. ***Organized Labor Week***

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to postpone four (4) weeks the discussion and action on the flooding problems that 50-60 businesses located at the intersection of McRae and Carnegie have continued to suffer over the years. Requests for flood control have been made to the City over the past 7 years and have not been addressed to date. Our taxes are going up as high as the water that is flooding our businesses when it rains. [Ali Bourselan and Robert Maupin]

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone one (1) week the following item:

Cohen Stadium. [William F. Hart, Jr.]

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the Minutes for Regular City Council Meeting of August 24, 2004, and Special City Council Meeting of August 18, 2004 (Budget Wrap-Up).

## **\*RESOLUTION**

**A RESOLUTION AMENDING RESOLUTION DATED JUNE 15, 2004 TO INCLUDE ACQUISITION OF PROPERTY DESCRIBED AS CAMPBELL ADDITION, LOTS 11 AND 12, BLOCK 44, AND TO AMEND THE PROJECT DESCRIPTION FOR THE PROJECT KNOWN AS THE INTERNATIONAL BRIDGES TOLL PLAZA FACILITIES CONSTRUCTION PROJECT.**

**WHEREAS**, the Texas Transportation Commission, through Minute Order #107952 dated September 30, 1999 and subsequent amendments, authorized a state infrastructure bank loan to the City of El Paso for International Bridge improvements; and

**WHEREAS**, on June 15, 2004 City Council adopted a Resolution authorizing the project known as the International Bridges Toll Plaza Facilities Construction Project which resolution is attached hereto as **Attachment "D"**; and

**WHEREAS**, on August 11, 2004 the Texas Department of Transportation ("TxDot") approved the utilization of the state infrastructure bank loan funds to acquire additional properties more specifically described in amended **Attachment "C"**; and

**WHEREAS**, the purpose of the International Bridges Toll Plaza Facilities Construction Project ("Project") a component of the International Bridge Improvements Project, is to provide, among other things, coordination between the City of El Paso, the Texas Department of Transportation, and the United States General Services Administration to provide for the construction of a toll booth plaza and housing of facilities and necessary site development for automated toll collection system for the Stanton and the Santa Fe International Bridges. This Project is further described in amended **Attachment "A"**; and

**WHEREAS**, it is necessary to acquire property rights, easements and/or lease agreements in those certain lots, tracts or parcels of land deemed necessary to complete the Project together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land to be acquired ("property rights"), which property rights are more specifically described in amended **Attachment "C"**; and

**WHEREAS**, the City Council has considered this project and hereby finds and determines that a public purpose and necessity exists for the Project, including but not limited to construction of a toll booth plaza, and housing of facilities and necessary site development for an automated toll collection system for the Stanton Street and Santa Fe Street International Bridges as further described in amended **Attachment "A"**, and for the acquisition of certain property rights more specifically described in amended **Attachment "C"**,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

The findings, recitations, and provisions set out in this Resolution are adopted as follows.

- 1. THAT** the Texas Transportation Commission, through Minute Order #107952 dated September 30, 1999 and subsequent amendments authorized a state infrastructure bank loan to the City of El Paso for International Bridge improvements.
- 2. THAT** on June 15, 2004 City Council adopted a Resolution authorizing the project known as the International Bridges Toll Plaza Facilities Construction Project which Resolution is attached hereto as **Attachment "D"**.

3. **THAT** on August 11, 2004 the Texas Department of Transportation ("TXDOT") approved the utilization of the state infrastructure bank loan funds to acquire additional properties more specifically described on amended **Attachment "C."**

4. **THAT** the purpose of the International Bridges Toll Plaza Facilities Construction Project ("Project") a component of the International Bridge Improvements Project, is to provide among other things, coordination between the City of El Paso, the Texas Department of Transportation, and the United States General Services Administration to provide for the construction of a toll booth plaza and housing facilities and necessary site development for automated toll collection system for the Stanton and Santa Fe International Bridges. This Project is further described in amended **Attachment "A."**

5. **THAT** it is necessary to acquire property rights, easements and/or lease agreements in those certain lots, tracts or parcels of land deemed necessary to complete the Project together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land to be acquired ("property rights"), which property rights are more specifically described in amended **Attachment "C."**

6. **THAT**, the City Council has considered this project and hereby finds and determines that a public purpose and necessity exists for the Project including but not limited to construction of a toll booth plaza, and housing of facilities and necessary site development for an automated toll collection system for the Stanton Street and Santa Fe Street International Bridges as further described in amended **Attachment "A"**, and for the acquisition of certain property rights more specifically described in amended **Attachment "C."**

**Except as herein amended the Resolution dated June 15, 2004 shall remain in full force and effect.**

**Attachments A, B, C and D on file in the City Clerk's Office with this Resolution**

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**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE PROJECT KNOWN AS THE ZOO WESTERN EXPANSION PROJECT (2000 QUALITY OF LIFE BOND PROJECT); DETERMINING THE PUBLIC NECESSITY; AUTHORIZING THE ACQUISITION AND DISPOSITION OF PROPERTY FOR THE PROJECT; AUTHORIZING THE DEPUTY CHIEF ADMINISTRATIVE OFFICER FOR BUILDING AND PLANNING SERVICES TO TAKE ALL STEPS NECESSARY TO ACQUIRE PROPERTY RIGHTS FOR THE PROJECT IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.**

**WHEREAS**, the purpose of the Zoo Western Expansion Project (2000 Quality of Life Bond Project) ("Project") a component of the Zoo Western Improvements Project, is to provide, among other things, Zoo entry and public activities center, African Exhibits expansion, Zoo Biome/Reptile project and parking facilities. This Project is further described in **Attachment "A."**

**WHEREAS**, it is necessary to acquire and determine the disposition of certain property rights, easements and/or lease agreements in lots, tracts or parcels of land deemed necessary to complete the Project together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land ("property rights"), which property rights are more specifically described in **Attachments "B", "C" and "D";** and

**WHEREAS**, the Texas Department of Transportation ("TXDOT") is the legal owner of a certain parcel of land located on portions of Findley Street and San Antonio Street and a portion of Dudley Field, El Paso, El Paso County, Texas more fully described in **Attachment "C";** and

**WHEREAS**, it has been determined by TXDOT that the land described in Attachment "C" is no longer needed for the use of citizens for transportation purposes and TXDOT desires to convey same to the City of El Paso; and

**WHEREAS**, the City concurs with TXDOT's determination that the land described in Attachment "C" is no longer needed for the use of citizens for transportation purposes; and

**WHEREAS**, the City of El Paso ("City") is the legal owner of a certain parcel of land located in the Woodlawn Addition, El Paso, El Paso County, Texas more fully described in Attachment "D" and desires to convey same to TXDOT at TXDOT's request; and,

**WHEREAS**, the Deputy Chief Administrative Officer for Building and Planning Services, or her designee, is specifically authorized and directed to do each and every act necessary, in compliance with all applicable laws and regulations including but not limited to 49CFR24, Uniform Relocation Assistance and Real Property Acquisition Policies Act, and subject to the availability of funds appropriated by City Council for such purpose, to acquire and dispose of property rights described in Attachments "B", "C", and "D", including but not limited to, the authority to negotiate, to approve offer value after appraisal, give notices, make written offers to purchase, prepare contracts and obtain the appropriate and necessary appraisal title, survey and insurance documents; and

**WHEREAS**, the Deputy Chief Administrative Officer for Building and Planning Services, or her designee, is specifically authorized to establish the just compensation for the acquisition of the property rights necessary or required for this Project; and

**WHEREAS**, the City Council has considered this Project and hereby finds and determines that a public purpose and necessity exists for the Project, including but not limited to construction of the Zoo Western Expansion Project and necessary site development for same as further described in **Attachment "A"**, and for the acquisition and disposition of those certain property rights more specifically described in **Attachments "B", "C" and "D"**; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the findings, recitations, and provisions set out in this Resolution are adopted as follows.

1. **THAT** the purpose of the Zoo Western Expansion Project (2000 Quality of Life Bond Project) ("Project") a component of the Zoo Western Improvements Project, is to provide, among other things, Zoo entry and public activities center, African Exhibits expansion, Zoo Biome/Reptile project and parking facilities. This Project is further described in **Attachment "A."**
2. **THAT** it is necessary to acquire and determine the disposition of property rights, easements and/or lease agreements in those certain lots, tracts or parcels of land deemed necessary to complete the Project together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land ("property rights"), which property rights are more specifically described in **Attachments "B", "C" and "D."**
7. **THAT** the Texas Department of Transportation ("TXDOT") is the legal owner of a certain parcel of land located on portions of Findley Street and San Antonio Street and a portion of Dudley Field, El Paso, El Paso County, Texas more fully described in **Attachment "C."**
4. **THAT** it has been determined by TXDOT that the land described in Attachment "C" is no longer needed for the use of citizens for transportation purposes and desires to convey same to the City of El Paso.

5. **THAT** the City concurs with TXDOT's determination that the land described in Attachment "C" is no longer needed for the use of citizens for transportation purposes.

6. **THAT** the City of El Paso ("City") is the legal owner of a certain parcel of land located in the Woodlawn Addition, El Paso, El Paso County, Texas more fully described in Attachment "D" and desires to convey same to TXDOT at TXDOT's request.

8. **THAT** the Deputy Chief Administrative Officer for Building and Planning Services, or her designee is specifically authorized and directed to do each and every act necessary, in compliance with all applicable laws and regulations including but not limited to The Uniform Relocation Assistance and Real Property Acquisition Policies Act 49CFR24 and subject to the availability of funds appropriated by City Council for such purpose, to acquire and dispose of the property rights described in Attachments "B", "C", and "D" including but not limited to, the authority to negotiate, to approve offer value after appraisal, give notices, make written offers to purchase, prepare contracts and obtain the appropriate and necessary appraisal, title, survey and insurance documents.

8. **THAT** the Deputy Chief Administrative Officer for Building and Planning Services, or her designee, is specifically authorized to establish the just compensation for the acquisition of the property rights necessary or required for this Project.

9. **THAT**, the City Council has considered this Project and hereby finds and determines that a public purpose and necessity exists for the project as further described in **Attachment "A"**, and for the acquisition and disposition of those certain property rights more specifically described in **Attachments "B", "C" and "D."**

**Attachments A, B, C and D on file in the City Clerk's Office with this Resolution.**

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute and file a grant application to the Corporation for National Service for the Foster Grandparent Program in the amount of \$487,851 for the period of September 30, 2004 to September 29, 2005; and

That Natalie Prise, Interim Director, Community and Human Development, be authorized to furnish additional information as the Corporation for National Service may require in connection with the application or the project and that Community Development staff be authorized to submit this reapplication electronically; and

That the Mayor be authorized to execute any Grant Agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases or deobligates program funds, provided that no additional City funds are required, upon approval by the Corporation for National Service. The funding obtained with this grant will benefit Districts 1 through 8.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SIX THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$6,300.00, \$5,700.00-Loan \$600.00-Grant), against the following described real property:

Lot 27, Block 6, LANCASTER ADDITION UNIT ONE SECTION "C", an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 35, Page 19, Plat Records of El Paso County, Texas; known and numbered as 9128 Plymouth

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Five and 24/100 Dollars (\$5.24).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00, \$4,145.00-Loan \$4,855.00-Grant), against the following described real property:

Lots 7 and 8, Block 25, MORNINGSIDE HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas; known and numbered as 3619 Jefferson

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Five Hundred Ninety Eight and 07/100 Dollars (\$598.07).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWENTY ONE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$21,400.00; \$10,450.00-Loan, \$9,150.00-Loan, \$750.00-Loan, \$1,050.00-Grant), against the following described real property:

The east 40' of Lots 1 through 4, inclusive, Block 254, CAMPBELL ADDITION, an Addition to the City of El Paso, El Paso County, Texas; known and numbered as 719 Wyoming

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Three Hundred Forty and 19/100 Dollars (\$340.19).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOUR THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$4,250.00, \$2,000.00-Loan \$2,250.00-Grant), against the following described real property:

Lot 9, Block 3, THOMAS MANOR SECTION ONE, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 12, Page 33, Plat Records of El Paso County, Texas; known and numbered as 332 Gladys

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWENTY FIVE THOUSAND SEVEN HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$25,775.00, \$10,087.00-Loan \$15,688.00-Grant), against the following described real property:

Lot 5, Block 7, PLEASANT VALLEY, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 35, Page 14, Plat Records of El Paso County, Texas; known and numbered as 347 Valle Sereno

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eight Thousand One Hundred And No/100 Dollars (\$8,100.00, \$7,140.00-Loan \$960.00-Grant), against the following described real property:

Lot 4, Block 1, BELLEVUE VILLAGE, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Volume 5, Page 39, Plat Records of El Paso County, Texas; known and numbered as 4960 Marie Tobin

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Two and 08/100 Dollars (\$2.08).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SIX THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$6,150.00 -Loan), against the following described real property:

Lot 15, Block 40, MAGOFFIN'S ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 14, Page 19, Plat Records of El Paso County, Texas; known and numbered as 808 S. Park

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SIX THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$6,150.00, \$5,690.00-Loan and \$460.00-Grant), against the following described real property:

Lot 15, Block 40, MAGOFFIN'S ADDITION, an addition to the City of El Paso, El Paso County, Texas, known and numbered as 808 S. Park

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a License Agreement by and between the City of El Paso and ExecutivePulse, Inc. in the initial amount of \$24,000.00 with subsequent annual licensing fees of \$3,600.00.

There was no discussion.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to approve the Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Fourth Amendment to Texas Commission on Environmental Quality (TCEQ, formerly known as TNRCC) Contract No. 582-3-55808 and related materials, on behalf of the El Paso City-County Health and Environmental District, as related to the operation and maintenance of monitoring activities for six (6) FRM Samplers (PM 2.5) to amend the contracting period to be from September 1, 2002 to December 31, 2004 for the continued operation of an Air Monitoring Program in the City of El Paso, which is an additional four months. There are no matching funds required.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **NICOLAS MUÑOZ**, to assist the Museum of Art as an Assistant Preparator at an hourly rate of \$10.85 for 40 hours per week. The term of the contract shall be for the period of September 1, 2004 through August 31, 2005.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JEANNINE BONDURANT**, to assist the El Paso Water Utilities as a Programmer Analyst at a biweekly rate of \$1,777.27 for 40 hours per week. The term of the contract shall be for the period of September 18, 2004 through September 17, 2005.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **Karlsruher, Inc., dba CSA Consulting Engineers**, for a project known as **"Ladrillo Street and Drainage Improvements"**, in an amount not to exceed THIRTY-FIVE THOUSAND FOUR HUNDRED TWO and 50/100 DOLLARS (\$35,402.50)

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\*RESOLUTION AUTHORIZING SUBSTITUTION OF DEPFA BANK, PLC AS REVOLVING CREDIT PROVIDER FOR THE CITY OF EL PASO GENERAL OBLIGATION COMMERCIAL PAPER NOTES, SERIES A, AUTHORIZING THE GIVING OF NOTICE TO DEXIA CREDIT LOCAL, THE EXISTING PROVIDER, AUTHORIZING THE EXECUTION OF A REVOLVING CREDIT AGREEMENT IN CONNECTION WITH THE SUBSTITUTION, AND THE EXECUTION OF A GENERAL CERTIFICATE OF THE CITY OF EL PASO FOR SUBMISSION TO THE ATTORNEY GENERAL OF TEXAS

WHEREAS, the City Council of the City of El Paso by Ordinance No. 14766 on January 20, 2001, authorized the issuance of the City of El Paso General Obligation Commercial Paper Notes, Series A in connection with the 2000 Quality of Life Bond Election, and

WHEREAS, Ordinance No. 14766 was amended by Ordinance No. 15690 by the City Council of El Paso on February 10, 2004, for purposes of amending the authorized purposes in Ordinance No. 14766; and

WHEREAS, in connection with the issuance of said notes it is necessary to have in place a Revolving Credit Agreement, and

WHEREAS, the City Council finds that substitution of DEPFA BANK, plc as the provider of the Revolving Credit Agreement will provide financial savings to the City over the costs to be paid to the current provider, and

WHEREAS, approval of the Attorney General of Texas is required for such substitution,

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the Mayor and Chief Financial Officer are authorized to take all steps necessary for the substitution of DEPFA BANK, plc as the provider of the Revolving Credit Agreement for the City of El Paso General Obligation Commercial Paper Notes, Series A, including having bond counsel submit the request to the Attorney General.
  2. That the Chief Financial Officer is authorized to give notice to Dexia Credit Local in accordance with the terms of the Revolving Credit Agreement with that institution.
  3. That the Mayor is authorized to execute on behalf of the City a Revolving Credit Agreement substantially in the form of the Agreement attached to this Resolution as Exhibit "A."
  4. That the Mayor is authorized to execute a General Certificate of the City of El Paso substantially in the form attached to this Resolution as Exhibit "B."
  5. That this resolution shall be effective upon passage.
- .....

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a contract with **BRUCE J. PONDER** for professional services as Hearing Officer for the Civil Service Commission, for a period from September 16, 2004 through December 31, 2004, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

There was no discussion.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **AGUSTIN GALLEGOS**, to assist the El Paso Public Library as a PC/LAN Specialist II at a biweekly rate of \$1,673.73 for 40 hours per week. The term of the contract shall be for the period of September 1, 2004 through August 31, 2005.

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**\*RESOLUTION**

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amended Partnership Agreement between the Upper Rio Grande Workforce Development Board, Inc. and Top Chief Elected Officials of the Upper Rio Grande Workforce Development Area to extend the term of the Partnership's Agreement until October 31, 2004. There is no change to the remaining terms and conditions of the Agreement.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor is hereby authorized to sign, on behalf of the City, a Lease Agreement between **LUCIANA V. LYON**, individually and as Independent Executrix of the Estate of Charles Lyon, Jr., Lessor, and **THE CITY OF EL PASO**, Lessee. Said Lease is for fifty-six (56) parking spaces located at 216 South Ochoa Street, El Paso, El Paso County, Texas and adjacent to the Municipal Court facility in downtown El Paso.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **GERARDO VELAZQUEZ**, to assist the Parks and Recreation Department as a Project Review Coordinator at a biweekly rate of \$1,880.00 for 40 hours per week. The term of the contract shall be for the period of September 20, 2004 through September 19, 2005.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.

**GALATZAN RECREATION CENTER**

**DEPARTMENT ID: 51510131, ACCOUNT 501011**

1. CONTRACTOR: Liliana Banuelos, Daycare Instructor Aide, Step 1  
DATES: September 01, 2004 through August 31, 2005  
RATE PER HR: \$5.35  
CONTRACT NO: **2004/2005-055**

**NOLAN RICHARDSON RECREATION CENTER**

**DEPARTMENT ID: 51510074, ACCOUNT 501011**

2. CONTRACTOR: Belinda Fisher, Daycare Instructor Aide, Step 6  
DATES: September 01, 2004 through August 31, 2005  
RATE PER HR: \$6.60  
CONTRACT NO: **2004/2005-056**
3. CONTRACTOR: Alma Gonzalez, Daycare Instructor Aide, Step 2  
DATES: September 01, 2004 through August 31, 2005  
RATE PER HR: \$5.60  
CONTRACT NO: **2004/2005-057**
4. CONTRACTOR: Ofelia Losoya, Daycare Director, Step 3  
DATES: September 01, 2004 through August 31, 2005  
RATE PER HR: \$8.35  
CONTRACT NO: **2004/2005-058**
5. CONTRACTOR: Evelyn Pena, Daycare Instructor Aide, Step 3  
DATES: September 01, 2004 through August 31, 2005  
RATE PER HR: \$5.85  
CONTRACT NO: **2004/2005-059**

**NORTHEAST RECREATION CENTER**

**DEPARTMENT ID: 51510107, ACCOUNT 501011**

6. CONTRACTOR: Olga A. Napoles, Daycare Instructor  
DATES: September 13, 2004 through August 31, 2005  
RATE PER HR: \$6.25  
CONTRACT NO: **2004/2005-060**

**PAVO REAL RECREATION CENTER**  
**DEPARTMENT ID: 51510115, ACCOUNT 501011**

7. CONTRACTOR: Rebecca A. Serrano, Daycare Instructor Aide, Step 1  
DATES: September 01, 2004 through August 31, 2005  
RATE PER HR: \$5.90  
CONTRACT NO: **2004/2005-061**

**AQUATICS**  
**DEPARTMENT ID: 51010281, ACCOUNT 501011**

8. CONTRACTOR: Alma S. Gallegos, Pool Attendant, Step 2  
DATES: September 01, 2004 through September 30, 2004  
RATE PER HR: \$5.60  
CONTRACT NO: **2004/2005-062**
9. CONTRACTOR: Adriana Blackburn, Senior Lifeguard, Step 4  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$7.20  
CONTRACT NO: **2004/2005-063**
10. CONTRACTOR: Anaiza Fraire, Senior Lifeguard, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.60  
CONTRACT NO: **2004/2005-064**
11. CONTRACTOR: Fredo Alejandro, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-065**
12. CONTRACTOR: Frank Bermudez, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-066**
13. CONTRACTOR: Michelle Cabral, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-067**
14. CONTRACTOR: Derya Cakmar, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-068**
15. CONTRACTOR: Mayra Cobos, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-069**

16. CONTRACTOR: Ruby Cobos, Lifeguard, Step 4  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.40  
CONTRACT NO: **2004/2005-070**
17. CONTRACTOR: Heather Curiel, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-071**
18. CONTRACTOR: Samantha Delgado, Lifeguard, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.00  
CONTRACT NO: **2004/2005-072**
19. CONTRACTOR: Audrey Flores, Lifeguard, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.20  
CONTRACT NO: **2004/2005-073**
20. CONTRACTOR: Nicolas Haddox, Lifeguard, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.00  
CONTRACT NO: **2004/2005-074**
21. CONTRACTOR: Lauren Harville, Lifeguard, Step 4  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$6.40  
CONTRACT NO: **2004/2005-075**
22. CONTRACTOR: Luis Arzola, Pool Attendant, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.80  
CONTRACT NO: **2004/2005-076**
23. CONTRACTOR: Amber Benge, Swim Instructor, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.35  
CONTRACT NO: **2004/2005-077**
24. CONTRACTOR: Joseph Candelaria, Pool Attendant, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.60  
CONTRACT NO: **2004/2005-078**
25. CONTRACTOR: Melissa S. Castaneda, Pool Attendant, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.60  
CONTRACT NO: **2004/2005-079**

26. CONTRACTOR: Raul Caudillo, Pool Attendant, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.40  
CONTRACT NO: **2004/2005-080**
27. CONTRACTOR: Crystal Chavez, Pool Attendant, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.60  
CONTRACT NO: **2004/2005-081**
28. CONTRACTOR: Juanita Duchene, Pool Attendant, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.40  
CONTRACT NO: **2004/2005-082**
29. CONTRACTOR: Ann M. Guerra, Pool Attendant, Step 3  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.80  
CONTRACT NO: **2004/2005-083**
30. CONTRACTOR: Adrienne Acosta, Swim Instructor, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.35  
CONTRACT NO: **2004/2005-084**
31. CONTRACTOR: Claudia Acuna, Swim Instructor, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.35  
CONTRACT NO: **2004/2005-085**
32. CONTRACTOR: Graciela Casas, Swim Instructor, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.50  
CONTRACT NO: **2004/2005-086**
33. CONTRACTOR: Fabian Elizondo, Swim Instructor, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.35  
CONTRACT NO: **2004/2005-087**
34. CONTRACTOR: Lucas Ellison, Pool Attendant, Step 2  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.60  
CONTRACT NO: **2004/2005-088**
35. CONTRACTOR: Deyanira N. Gallegos, Swim Instructor, Step 1  
DATES: October 01, 2004 through September 30, 2005  
RATE PER HR: \$5.35  
CONTRACT NO: **2004/2005-089**
- .....

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.

**MULTI-PURPOSE COMMUNITY CENTER**

**DEPARTMENT ID: 51510032, ACCOUNT 502214**

1. CONTRACTOR: Claudia Avila, Belly Dancing Instructor  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$9.00  
MAXIMUM AMT: \$936.00  
CONTRACT: **2004/2005-061**
2. CONTRACTOR: Matilde Guillen, Yoga Instructor  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$15.75  
MAXIMUM AMT: \$1,638.00  
CONTRACT: **2004/2005-062**

**SAN JUAN RECREATION CENTER**

**DEPARTMENT ID: 51510123, ACCOUNT 502214**

3. CONTRACTOR: Patricia Chavez, Aerobic Instructor  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$11.60  
MAXIMUM AMT: \$2,412.80  
CONTRACT: **2004/2005-063**
4. CONTRACTOR: William Collins, Karate Instructor  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$9.65  
MAXIMUM AMT: \$1,003.60  
CONTRACT: **2004/2005-064**
5. CONTRACTOR: Jose Luis Guillen, Yoga Instructor  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$14.32  
MAXIMUM AMT: \$1,489.28  
CONTRACT: **\$2004/2005-065**
6. CONTRACTOR: Joe V. Hernandez, Scorekeeper for Basketball  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$8.00  
MAXIMUM AMT: \$1,248.00  
CONTRACT: **2004/2005-066**

7. CONTRACTOR: Martin Maldonado, Officiate Basketball Leagues  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$14.00  
MAXIMUM AMT: \$1,456.00  
CONTRACT: **2004/2005-067**
8. CONTRACTOR: Anita Martell, Aerobic Instructor  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$7.90  
MAXIMUM AMT: \$1,643.20  
CONTRACT: **2004/2005-068**

**PAVO REAL RECREATION CENTER**

**DEPARTMENT ID: 51510115, ACCOUNT 502214**

9. CONTRACTOR: Rebecca Grado, Martial Arts Instructor  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$10.00  
MAXIMUM AMT: \$1,100.00  
CONTRACT: **2004/2005-069**
10. CONTRACTOR: Maria G. Rocha, Ballet/Folklorico Instructor  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$12.00  
MAXIMUM AMT: \$1,320.00  
CONTRACT: **2004/2005-070**
11. CONTRACTOR: Irma Romero, Fitness Instructor  
DATES: September 01, 2004 through August 31, 2005  
RATE PER CL: \$12.00  
MAXIMUM AMT: \$4,920.00  
CONTRACT: **2004/2005-071**

**YOUTH OUTREACH PROGRAM**

**DEPARTMENT ID: 51150056, ACCOUNT 502215**

12. CONTRACTOR: Norma Ponce-Gomez, Fine Arts Instructor  
DATES: September 13, 2004 through December 31, 2004  
RATE PER CL: \$20.00  
MAXIMUM AMT: \$1,000.00  
CONTRACT: **2004/2005-072**

**YOUTH OUTREACH PROGRAM**

**DEPARTMENT ID: 51511089, ACCOUNT 502214**

13. CONTRACTOR: Sergio Ruvalcaba, Tennis Instructor  
DATES: September 13, 2004 through April 30, 2005  
RATE PER CL: \$9.00  
MAXIMUM AMT: \$648.00  
CONTRACT: **2004/2005-073**
- .....



**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company within Memorial Park, El Paso County, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company in a portion of Tract 3, Nellie D. Mundy Survey #240, El Paso County, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign and submit a request to extend the award ending date of the Bureau of Justice "NIBRS Implementation of a Texas Collaboration of Jurisdictions" Grant and the Memorandum of Understanding/Local Agency agreement for funding, by extending the award ending date to July 31, 2005.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$559,888 from the Texas Department of Transportation, for a STEP-Safe and Sober grant to conduct selected traffic enforcement programs focusing on DWI and speeding violations throughout the City of El Paso; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In kind match required in the amount of \$328,203.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Chief of Police be authorized to submit a grant application from the El Paso Police Department, the City, and appropriate City staff, be authorized to effect all necessary budget transfers and the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, to the U.S. Department of Justice, Solving Cold Cases with DNA, in the amount of \$750,000, for the purpose of setting up a DNA analysis laboratory and a Cold Case program which will pay the salaries and benefits for two detectives. Matching funds are not required.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso, a political subdivision of the State of Texas, for the implementation of the SHOCAP Task Force in conjunction with a Juvenile Justice Accountability Grant from the Office of the Governor, Criminal Justice Division. The City will pass grant funds through to the County for a portion of the County Attorney's costs to provide training and related educational services regarding drugs, gangs and youth violence and for the hiring of a full-time tracker by the Juvenile Probation Department.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign Customer License Agreement and Customer License Agreement Amendment entered into by and between the City of El Paso and Micromedex.

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the Resolution that the Mayor be authorized to sign a contract between the City of El Paso and the El Paso County Water Control and Improvement District #4 and the El Paso County Municipal District #1 pursuant to which the El Paso County Water Control and Improvement District #4 and the El Paso County Municipal District #1 join various other entities for whom the City of El Paso will act as Assessor/Collector.

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the Staffing Table Change for Mayor & Council

Delete	1.00	Administrative Assistant	GS 23
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\*Motion made by Representative Cobos, seconded by Representative Cushing and carried that Patrick (Rick) Connor be appointed City Engineer, start date on or after September 7, 2004 at an annual salary of \$112,000.00, one trip for candidate and spouse to search for housing, moving expenses based on the lowest of three quotes and other negotiated items to be specified later.

NOTE: Language was revised from "effective" to "start date on or after".

Mayor Joe Wardy recognized Mr. Connor.

\*Motion made by Representative Cobos, seconded by Representative Cushing and carried that Robert Salinas be appointed Community and Human Development Director, effective August 31, 2004 at an annual salary of \$86,7821.00.

Mayor Joe Wardy recognized Mr. Salinas.

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #A520-999-0520-1700, \$310.69 per month installments on a balance of \$3,728.28 for 1998 & 1999 taxes; Rick J. Luther – 3315 Memphis Ave.
- B. PID #L985-000-0004-0017, \$694.27 per month installments on a balance of \$8,331.24 for 2002 & 2003 taxes; Francisco J. & Mar Anguiano – 358 Tania.

C. PID #'s R053-000-0010-0300 & L080-000-0004-0007, \$223.31 per month installments on a balance of \$2,679.72 for 2002 & 2003 taxes; Alfredo V. Marquez – 809 Franklin St.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following tax refunds be approved:

A. First Savings Bank in the amount of \$12,302.59 overpayment of 2003 taxes.  
(PID #A445-999-0020-0150)

B. Maria Mena in the amount of \$4,223.14 overpayment of 2003 taxes.  
(PID #E054-999-0310-4500)

C. Hector N. Cota in the amount of \$2,700.00 overpayment of 2003 taxes.  
(PID #S816-999-1210-3600)

D. Irwin Mortgage Corp. in the amount of \$3,986.57 overpayment of 2003 taxes.  
(PID #C340-999-0600-4300)

E. Irwin Mortgage Corp. in the amount of \$2,934.96 overpayment of 2003 taxes.  
(PID #H788-010-0490-0200)

F. Long John Silvers in the amount of \$6,752.62 overpayment of 2002 taxes.  
(PID #L447-999-0510-1600)

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week the request to allocate ONE HUNDRED DOLLARS (\$100.00) from District #4 Discretionary Funds be used towards the "user fee" for Cohen Center for the third annual "Heroes Charity Softball" event on September 11th, 2004, at the Andy and Syd Cohen Center.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request that the Director of Purchasing be authorized to issue purchase order(s) to B&G Chemical & Equipment Co., for mosquito control chemicals for FY2004/2005 and any extension thereof. B&G Chemical & Equipment Co. is the sole distributor in Texas, as long as it is a sole source for Aqua-Reslin, Scourage (restricted use pesticide), Altosid, BVA-Mineral Oil, BVA2 Larvicide Oil, and Vectobac. Contract 2000-018

Department: Health Environmental Vector Control  
Funds available: 41010147-01101-503112  
Funding source: Operating Fund Medical/Clinical Supplies  
Total award: \$65,000.00 (estimated)

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve Change Order No. Three (Construction Change) to J. D. Abrams, L. P. for "Clint Landfill Phase I, Cells 1 and 2 project" for an increase amount of \$27,139.02. The purpose of this change order is:

1. To furnish and install an additional nine (9) Buffer zone and five (5) Easement markers.  
\$3,278.68.
2. To provide electrical power to the surveillance cameras at the Landfill Cell No. 1 and at the fee house.  
\$10,235.00
3. To construct a 20' x 100' concrete approach slab to the waste screening pad.  
\$15,793.33.
4. To fabricate and install two (2) each anti-vortex on the 24" RCP risers at the retention pond.  
\$1,066.33

5. To furnish 2-tripods, tribrach w/opt. Plummet, marine battery and battery charger for the GPS system. \$1,071.68
6. Video Surveillance System: (\$4,306.00)
  - A. To eliminate the NEMA 12 trailer mounted camera control cabinet including solar power supply at Landfill Cell No. 1.
  - B. Install the video cameras on existing power poles at Landfill Cell No. 1 and fee house.
  - C. Install the 10 MPS link to the Solid Waste Offices to the existing communication tower at the Landfill.

.....  
 Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda Bid No. 2004-231 Medical Examiners Facility Modification.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to move into executive session Bid No. 2004-231 Medical Examiners Facility Modification.

There was no discussion on the matter following Executive Session.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to award Bid No. 2004-231 Medical Examiners Facility Modification

Contractor:	Jan-Car, Inc. Horizon City, Texas
Department:	City-County Health and Environmental District
Funding source:	508027-06086-41150023-PPWHE04002, TDH Public Health Pre. FY04 Grant \$250,000.00 508027-05621-41150012-PPWHE04002, TCEQ PM Sampling Grant \$224,760.00 508027-06084-41150015-PPWHE04002, TDH Bio-Terrorism Laboratory Grant \$26,000.00 508027-05533-41150015-PPWHE04002, Dept. of Health & Human Svcs. Grant \$196,240.00
Items:	Base Bid \$697,000.00
Total award:	\$697,000.00

The Departments of Engineering, Purchasing and the City-County Health and Environmental District recommend the award of this contract to Jan-Car, Inc. City Council hereby finds that this Offeror has provided the Best Value Proposal to the City. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....  
 \*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-244R Physical Examination Services

Award to:	Westside Urgent Care Center El Paso, TX
Item (s):	All
Amount:	\$90,650.00 (estimated yearly)

Department: Human Resources  
 Funds available: Various  
 Funding source: Various  
 Total award: \$271,950.00

Human Resources Department and Purchasing recommend award as indicated, as this vendor is the low, responsive and responsible bidder meeting specifications.

This is a thirty-six [36] month contract with no renewable options.

.....  
 \*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-194 25-Yard Roll Off Trucks

Award to: Southwest Sterling Inc.  
 El Paso, Texas  
 Item (s): Item: 1-25 Yard Roll Off Trucks  
 Item: 1 Unit Price (\$100,832.00) 3 ea. \$302,496.00  
 Option: O-1 Unit Price (\$2,130.00) 3 ea. \$ 6,390.00  
 Option: O-8 (No Charge) \$ 0.00  
 Option: O-10 Unit Price (\$100.00) 3 ea. \$ 300.00  
 Amount: \$309,186.00

Departments: Street Department & Solid Waste Management  
 Funds available: 508006-29203-04200401-PMB0005003 (Street)  
 508006-40415-34340200-PMB0005003 (Solid Waste Mgt)  
 Funding source: FY2004 General Obligation Bonds (Street)-  
 Capital Acquisition  
 FY2004 Solid Waste Department Revenue Bonds-  
 Capital Acquisition  
 Total award: \$309,186.00

The Fleet Services, Street, Solid Waste Management, and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase of three 25-Yard Roll Off Trucks. One truck will be for the Street Department and two trucks for Solid Waste Management Department. There are options to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the options are exercised within sixty (60) days, ninety (90) days, and one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

It is requested that the Mayor and Staff be authorized to execute budget transfers for this purchase, as necessary.

.....  
 \*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-200 Graffiti Removal Truck

Award to: Casa Ford Inc.  
 El Paso, TX  
 Item (s): Item 1-Graffiti Removal Truck \$75,239.90  
 Option: O-1 \$ 3,506.00  
 Total Bid Award: \$78,745.90

Department: Street Department  
 Funds available: 508006-29203-04200401-PMB0005003  
 Funding source: FY2004 General Obligation Bonds-Capital Acquisition  
 Total award: \$78,745.90

The Fleet Services, Street, and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase a Graffiti Removal Truck.

There are options to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the options are exercised within sixty (60) days, ninety (90) days, and one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

It is requested that the Mayor and Staff be authorized to execute budget transfers for this purchase, as necessary.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-222 Sale of Recyclable Material

Award to: Durango-McKinley Paper Co.  
El Paso, TX  
Item (s): All  
Amount: \$295,600.00 (estimated yearly)  
  
Department: Solid Waste Management  
Budget No: Revenue  
Funding: Revenue  
Total award: \$295.600.00 (estimated yearly)

Purchasing and Solid Waste Management recommend award as indicated, Durango-McKinley Paper Co. is the sole bidder and meets all requirements.

This is a thirty-six months contract with the options to extend the term of the contract for two additional years, one-year period at a time.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-227 Mobile Thermal Destruction Unit

Award to: Reactive & Explosive Materials Training Corporation  
Branchville, NJ  
Item (s): 1-Mobile Thermal Destruction Unit  
Amount: \$29,500.00  
  
Department: Police Department  
Funds available: 508007-16371-21150060-21000-P500231  
Funding source: Confiscated Funds - Federal  
Total award: \$29,500.00

The Fleet Services, Street, and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties. A lower bid was received, but did not fully comply with the specifications as detailed in the backup.

This is a fixed-price, single (one-time) purchase, to purchase a Mobile Thermal Destruction Unit. There is an option to purchase up to one hundred percent (100%) of the original contract quantity, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

It is requested that the Mayor and Staff be authorized to execute budget transfers for this purchase, as necessary.

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-228 Fence Material

Award to: M & M Fence Company  
El Paso, Texas  
Item (s): All  
Amount: \$210,000.00 (estimated)  
Department: Department of Aviation  
Funds available: 62620003-503121  
Funding source: Airport Operating Fund  
Total award: \$210,000.00 (estimated)

The Department of Aviation and the Purchasing Department recommend award as indicated to the sole responsive offer that was received.

This is a thirty-six (36) month requirements-type Contract for Fence Materials at the El Paso International Airport, however, other City departments may utilize this Contract to meet their requirements as the need arises. The Contract will officially begin at 12:01 midnight, September 5, 2004.

Vendor offers a 2% prompt payment discount if paid within 10 days. There was no option offered to extend the term of the agreement.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-1170 AIRPORT

Transfer of funds to set up funding for the EPIA lift station reconstruction project.

Increase	\$ 1,000	to	62620029/PAP003241073/502205	LegalNotices
Increase	\$ 1,000	to	62620029/PAP003241073/502302	PrintShopChg
Increase	\$ 1,000	to	62620029/PAP003241073/502304	MailRoomChg
Increase	\$ 17,000	to	62620029/PAP003241073/508016	Arch & Dsgn
Increase	\$ 5,000	to	62620029/PAP003241073/508024	Testing
Increase	\$ 5,000	to	62620029/PAP003241073/508026	Inspections
Increase	\$200,000	to	62620029/PAP003241073/508027	Construction
Increase	\$ 5,000	to	62620029/PAP003241073/508051	CityProgMgmt
Increase	\$235,000	to	62620029/PAP003241073/407001	Intfd Trf In
Increase	\$235,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$235,000	to	62620018/P50000241021/507001	Intfd Trf Out

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-1172 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$24,744 received from Western Refinery for the installation of pedestrian flashers at Trowbridge.

Increase	\$24,744	to	31255012/PPW005227691/405067	ReimbExpend
Increase	\$ 3,034	to	31255012/PPW005227691/508050	Design
Increase	\$21,710	to	31255012/PPW005227691/508027	Construction

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-1173 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$22,440 received from EPISD as reimbursement for the flasher installation at Mary Tippin Elementary School on Bear Ridge Dr.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to reconsider the request of Kern Place Merchants Association to use amplification (4 speakers) at the corner of Cincinnati and Mesa (2 speakers will be located East of Cincinnati/Mesa & 2 speakers will be located north of Cincinnati/ Stanton) on September 12, 2004, and October 30, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 20 persons will take part and 300 spectators are anticipated on September 12, 2004 and 4,500 spectators are anticipated on October 30, 2004. PERMIT NO. 04-081 [Kenneth Rico Velasquez]

Representative Austin noted that a street festival was held last weekend and requested information from City staff as a result of that street festival. She requested that the matter be postponed until next week's agenda to correspond with other Kern Place Merchant Association ordinances/street closure requests.

Mr. Alan Shubert, Director of Building Permits and Inspections, and Assistant Fire Chief Michael Widtfeldt responded.

Mayor Joe Wardy commented on the City's inability to enforce noise and crowd levels for events held in the Sun Bowl.

Mr. Sakley, Kern Place resident, spoke in favor of the street festivals and answered questions from and responded to comments made by the Council Members.

Mr. Keith Mahar, Kern Place Merchants Association board member, commented on the past weekend's street festival and the manner in which the event was conducted.

REGULAR COUNCIL MEETING – AUGUST 31, 2004



Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the request of Kern Place Merchants Association to use amplification (4 speakers) at the corner of Cincinnati and Mesa (2 speakers will be located East of Cincinnati/Mesa & 2 speakers will be located north of Cincinnati/ Stanton) on September 12, 2004, and October 30, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 20 persons will take part and 300 spectators are anticipated on September 12, 2004 and 4,500 spectators are anticipated on October 30, 2004. PERMIT NO. 04-081 [Kenneth Rico Velasquez]

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request of Candlelighters of the El Paso Area to hold a cancer awareness walk on September 18, 2004 from 6:00 p.m. to 10:00 p.m. Route: Start at Tom Lea (lower) Park to Brown, turn right on Schuster to Stanton, turn right on Stanton to Rim Rd., turn right on Rim Rd., proceed on Rim Rd. to Brown, and finish at Tom Lea (lower) Park. Approximately 300 persons, 6 vehicles will take part and 100 spectators are anticipated. This request includes permission to use amplification (4000 watts, 4 cabinet speakers, and 1 microphone). PERMIT NO. 04-089 [Steve Gonzales]

.....  
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance changing the zoning of a portion of Lot 36, Block 3, Shadow Mountain Heights Replat B, El Paso, El Paso County, Texas from R-3 (Residential) and PR-II/sc (Planned Residential II/special contract) to R-4 (Residential) and R-4/sc (Residential/special contract). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: B.A.R. Construction, Inc. ZON04-00083 [Planning, Research and Development, Fred Lopez, (915) 541-4925]
  
- B. An Ordinance changing the zoning of Tracts 3A2, 3B2 and 3B3, Block 7, Upper Valley Surveys, El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Country Club Office Park L.L.C. ZON04-00096 [Planning, Research and Development, Fred Lopez, (915) 541-4925]

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 21, 2004 FOR ITEMS A – B**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the discussion and action to direct the Planning, Research and Development Department to place the following item on the CPC Agenda for reconsideration: **SUB04-00036**: Velez Subdivision - Preliminary; Being all of Tract 2, Block 6, Christy Tract, City of El Paso, El Paso County, Texas.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week the discussion and action on health, safety, welfare, environmental, engineering and BP&I enforcement issues regarding 131 South Yarbrough Dr., Tract 23B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the discussion and action on the proposed golf course/driving range at Mesa Dam.

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No action was made regarding the discussion and action regarding the rescinding of the demolition of the property at 164 Rio Monte due to the progress of work performed, and being performed, by the property owner.

Representative Lozano provided background information and presented photographs pertaining to the current condition of the property. He requested that the property owner be given additional time to complete renovating the structure.

Mr. Thomas Maguire, Building Permits and Inspections, gave a PowerPoint presentation and provided a timeline regarding the history of the property located at 164 Rio Monte. He noted that the property owner had been ordered by Council to repair the original structure. He answered questions from and responded to comments made by the Council Members.

Representative Lozano moved to rescind the demolition order. There was no second.

Mr. Marvin Foust, Assistant City Attorney, stated that he had provided a memorandum to the Council and requested that, if necessary, additional discussion be held in Executive Session. He answered questions from and responded to comments made by the Council Members.

Representative Cushing asked questions of Representative Lozano regarding the ownership of the property at 164 Rio Monte.

NOTE: The item was discussed in executive session.

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No action was taken on the discussion and action regarding the current condition of the properties at 7200-7300 North Loop regarding the abandoned buildings, open property lots, and illegal dumping that is constantly occurring and not being addressed by the property owner.

Representative Lozano presented photographs showing the current condition of the property and requested that the Building Permits & Inspections Department take action to rectify the matter.

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Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve request authorizing to distribute \$1,000 from District 3 Discretionary Funds to the Mission Valley Regional Command Center for Pride Day activities planned for November 6, 2004.

.....  
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve request authorizing to distribute \$1,000 from District 3 Discretionary Funds to the Central Regional Command Center for Pride Day activities planned for November 6, 2004.

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No action was taken on the staff briefing on the status of the street and drainage improvements within Kimberly Heights Subdivision and the levy of a lien assessment against owners of property abutting the improved streets.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, requested that the following agenda item be discussed concurrently. She provided background information regarding street and drainage improvements ongoing within the Kimberly Heights Subdivision and associated cost increases.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to hear following agenda item concurrent.

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Motion made by Representative Cook, seconded by Representative Cushing and carried to (1) direct the Building & Planning Services Department and the City Attorney's Office to conduct a new public hearing process relative to levying an assessment against owners of property within the Kimberly Heights Subdivision for completed street and drainage improvements; and (2) direct that a revised lien cost based on the front foot charge be recalculated based on the requirements of the Texas Transportation Code.

AYES: Representatives Austin, Cushing, Cook, Escobar, Rojas and Cobos

NAYS: Representative Lozano

Ms. Patricia Aauto, Deputy CAO for Building and Planning Services, displayed information for the Council Members and recommended that the public hearing process be held for Kimberly Heights residents (to include neighborhood meetings), re-advertise the Ordinances, publish Ordinances in newspapers as required, send Certified notices by mail to the residents, as per the Code. She made recommendations as follows: (1) that the City assess the front foot charge of \$77.23 per linear foot for owners who receive basic street and drainage improvements; and (2) assess a front foot charge of \$77.23 per linear foot for abutting properties receiving basic street and drainage improvement plus any extra work done to driveways, utilities, fencing, etc. She answered questions from and responded to comments made by the Council Members.

Ms. Terri Cullen-Garney, Deputy City Attorney, provided legal advice.

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Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve Conditional "B" building permits for River Park West Subdivision Unit Two based on economic hardship.

Mr. Bashar Abugalyon, Engineering Department, presented the case to the Council.

Ms. Cindy Crosby, attorney representing the applicant, requested that Conditional "B" building permits be approved on the basis of economic hardship.

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Item: Public Hearing on the Proposed Budget for the City of El Paso for the Fiscal Year 2004-2005.

Ms. Lisa A. Elizondo, City Attorney, explained that the Council would be required to officially close the public hearing.

Mr. Ray Gilbert, citizen, commented on the number of revised budget resolutions and made remarks pertaining to the FY2004-2005 Budget. He answered questions from and responded to comments made by the Council Members.

Ms. Lisa Turner, citizen, commented.

Ms. Kathryn Palafox, Keep El Paso Beautiful, requested that the City increase its funding amount for Keep El Paso Beautiful.

Mr. Raul Garcia, citizen, made suggestions how the City might lower its expenditures.

Mayor Joe Wardy explained that cell phones were a vital productive tool for effective city government.

Representatives Cook and Cobos asked Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, questions regarding issues pertaining to commercial paper.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, responded to Representative Cook's concerns and addressed comments made by Mr. Gilbert.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to close the public hearing on the Proposed Budget for the City of El Paso for the Fiscal Year 2004-2005.

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**City of El Paso  
FY 2005 Budget Resolution**

**WHEREAS:** On August 11, 2004, the City Clerk published notice of a public hearing in the official newspaper of the City as provided by law; and,

**WHEREAS:** On August 24, 2004 and August 31, 2004, a public hearing on the Proposed Budget was held by the City Council; and all taxpayers and interested citizens were given the right to be present and participate in such hearing:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the Proposed Budget for the City of El Paso, filed by the Mayor with the City Clerk on July 1, 2004, is hereby approved and adopted by the City Council, as amended, as the Annual Budget for the Fiscal Year 2005, which begins on September 1, 2004 and ends on August 31, 2005.
2. That any balance in the General Fund sub fund on August 31, 2004 shall be allocated first to restore the reserve for claims to \$500,000.
3. That the balances in each of the sub funds of the General Fund on August 31, 2004 (sub funds: Government Operations, Cash Reserve Fund) shall carry forward to the respective Sub-Fund.
4. That the budget for confiscated funds shall be provided by the Chief of Police by November 15, 2004, with a financial report showing all expenditures for Fiscal Year 2005 for all confiscated or condemned monies in a format approved by the City Manager or his/her designee.
5. That no agreement for the expenditure of monies shall extend beyond the current Fiscal Year without the approval of Council.
6. That any Budget Transfer over \$1,000, where the amounts in appropriation account numbers are not within the same program in each fund, shall be placed on Council agenda for approval by Council.

A budget transfer must be approved prior to the occurrence of the expenditure except for emergencies approved by the City Manager or his/her designee and ratified by the Council. That upon the Council's identification, approval and an authorization to proceed with a capital project, the City Manager shall have the authority to set up the budget for that approved project.

Any budget transfer submitted to Council shall be accompanied by an explanation from the department, reviewed by the Office of Management and Budget, and a recommendation from the City Manager or his/her designee. The explanation must be clear enough and provide sufficient detail for the members of Council to determine the need for the transfer.

7. That the City Manager or his/her designee is authorized to establish budgets for grants and similar awards when the applications for such grants and awards have been previously approved by Council. All grant applications shall be reviewed by the City Manager or his/her designee before being placed on Council agenda; the agenda item shall state clearly the type and amount of the required City match and the funding source of the grant match.
8. That the City Manager or his/her designee is authorized to make such budget transfers and staffing table changes as are needed to close completed grants and completed capital project accounts.
9. That restricted fund(s) shall be expended only for purposes for which each restricted fund was established.
10. That all monies, in all funds except for grant funds, budgeted for the City's contribution to the Employee's Health Benefit Program, Worker's Compensation, and Unemployment Funds be deposited in its appropriate fund by the Comptroller before the closing of the Fiscal Year in accordance with procedures established by the City Manager or his/her designee.
11. All merit increases are subject to the availability of funds as certified by the City Manager or his/her designee.
12. That the services paid from the Postage, Purchasing Copy Center, and the Fleet Services Department sub funds shall be financed on an internal service fund basis with sufficient charges from departments to cover all direct costs.
13. That the hotel occupancy taxes collected shall be used to fund the operations of the Convention and Visitors Bureau; the maintenance and operation, capital improvements, debt service requirements and other legal expenditures of hotel occupancy tax for the Greater El Paso Convention & Performing Arts Center and the Arts and Culture Department according to City Municipal Code 3.12.060 and State Statute. That the functions of the Plaza Theater shall be included with the functions of the Greater El Paso Convention and Performing Arts Center. Expenditures from that fund shall be made only in accordance with their respective adopted budgets.
14. Any expenditure for a City Council member for travel that exceeds the FY 2005 Council member's budget for discretionary funds for the Council Member's district must be approved by the Council and a funding source shall be identified by City Council.
15. That Council Members must notify the City Manager or his/her designee of any expenditure from budgeted Discretionary Accounts so that staff maintains a current balance in the individual Council Members' District funds.
16. That all obligations for the payment of money by City departments and agencies, including grantees, shall be made in accordance with procedures established by the City Manager or his/her designee.

17. No employee or elected official shall incur an obligation, whether for capital, supplies, wages, or otherwise, unless an adequate appropriation has been made in the budget to meet the obligation and that obligation has been incurred in accordance with the accounting, legal, budgetary, purchasing, and personnel policies and procedures of the City.
18. That positions funded by the Fiscal Year 2005 Budget, including those in the City-County Health District and those listed in the Authorized Staffing Table, shall constitute the authorized positions for each department. Council shall approve any change or addition in authorized positions, except for reclassifications due to Civil Service Commission action and/or Grantor agency requirements. Requests for changes and additions shall be reviewed by the City Manager or his/her designee and shall show the impact on the Fiscal Year 2005 Budget and the estimated impact on expenditures for Fiscal Year 2006.
19. That any non-vacant classified position which is identified for abolishment upon adoption of the Budget, shall be funded until the earlier of October 15, 2004 or sufficient time for the Human Resources Department to carry out the provisions of the Charter related to lay-offs.
20. That the funds allocated to the City-County Health District shall be spent in conformity with the budgeting, purchasing, and accounting policies and procedures of the City of El Paso. Upon any dissolution of the City-County Health District all funds allocated to the District shall automatically transfer to the City Health Department.
21. Competency increases in the FY 2005 budget for all employees, except for contractual employees unless provided for in the contract or otherwise provided by Council, are budgeted through August 31, 2005.
22. That base salaries for unclassified positions shall continue at the same level as in Fiscal Year 2004, unless otherwise provided for in the Mayor's filed budget or Form D Salary and Benefits Work Sheets. Base salaries do not include salary supplements, COLA's, competency increases, merit increases, or increases as a result of reclassification.
23. The compensation of Municipal Judges and substitute Associate Municipal Judges shall continue at the same level as in Fiscal Year 2004 unless otherwise provided in the Mayor's filed budget.
24. That a revision of the Capital Improvements Program (Construction Projects List) shall be submitted to Council no later than October 15, 2004, after review and approval by the City Manager or his/her designee.
25. That an amount equal to any deficit in the uniformed and non-uniformed personal services expenditures in the general fund will be transferred, by the Comptroller, from the salary reserve in the non-departmental appropriations, to each department in the general fund having such a deficit. Transfers are to be computed after the budgeted monies for employee's health benefits, worker's compensation, and unemployment funds have been deposited to appropriate funds and prior to closing the Fiscal Year.

26. The rates of the Foreign Trade Zone shall be set such that the Foreign Trade Zone is self-sufficient. The Department of Aviation shall prepare a monthly income statement for the Foreign Trade Zone. Income statement will be reviewed and a projection shall be made by the Office of Management and Budget to determine whether any action(s) would be required by the Department of Aviation, so that the Foreign Trade Zone operations shall not have a deficit by August 31, 2005.
27. That monthly the cash balance of the Bridge Fund shall be transferred to the General Fund subfund, except for \$75,000 (\$25,000 Unreserved Balance and \$50,000 Reserve for Maintenance) and any required cash to be maintained per any bridge revenue bond covenants.
28. That all appropriations in the General Fund associated with outstanding purchase orders at year-end shall lapse.
29. That within forty-five days after the end of each quarter, the City Manager or his/her designee shall provide a quarterly report and review with Council the status and year end projection of the budget.
30. That the City shall charge maximum interest or finance charge, as allowed by State or Federal laws, on any amounts past due to the City. Any amounts 120 days past due will be reported to the Credit Bureau, as allowed by law, and will be turned over to the City Attorney or a collection agency for collection or the proper disposition.
31. That the annual incremental parking meter revenue; defined as all funds above \$700,000 in account number 404020 Parking Meter Revenue, shall be allocated to a restricted account called Plaza Theater Sinking Fund in the Debt Service Fund, Fund number 20496, Department ID 99335008 as follows: prior to issuance of the bonds, 50% of the incremental revenue shall be placed in the sinking fund; after the bonds are issued 100% of the incremental revenue shall be placed in the sinking fund.
32. That all licenses, fees, fines and other charges that the City receives for services shall be reviewed to determine if the City is recovering the cost of providing those services. Recommendations shall be made to the City Manager or his/her designee for any revisions to increase or decrease the amounts to be recovered.
33. That appropriation control for expenditures shall be at the object level.
34. That the Solid Waste Management Department shall be operated as an Enterprise Fund following the Governmental Accounting Standards Board standards. That in-kind service to other general fund departments shall be considered as part of the indirect cost recovery. That the Solid Waste Management shall review, implement and quarterly report to the Mayor and Council on the recommendations of the R W Beck study.
35. That **Schedule A** (Schedule A on file in the City Clerk's Office) amends revenues and appropriations to the Mayor's filed budget and **Schedule B** (Schedule B on file in the City Clerk's Office) amends staffing tables to the Mayor's filed budget.

Mr. David Almonte, Director of OMB, noted that the final revisions of the FY2004-2005 were made and copies of the resolution had been distributed to the Council Members this morning. He highlighted the revisions as per the Council and requested that Council make the subsequent revenue adjustments increasing the Hispanic Chamber of Commerce to \$90,000 and increasing Keep El Paso Beautiful to \$25,000. He answered questions from and responded to comments made by the Council Members.

Ms. Lisa A. Elizondo, City Attorney, clarified that the revisions to the budget resolution, not the schedules referred to by Mr. Almonte, were the deletion of paragraph 35, relating to salary supplements, and paragraph 37 relating to dedication of the incremental property tax fund to the fund balance. Those paragraphs have been deleted. She commented on the Trial Supervisor and Assistant City Attorney positions within the City Attorney's office.

Representative Cook asked Messrs. Almonte and Chapman questions and displayed a spreadsheet for discussion (on file in the City Clerk's office).

Representative Rojas proposed not reducing the Planning, Research and Development budget regarding mailing the zoning change request notices to the public. She stated that monies for the Hispanic Chamber of Commerce monies should not be increased but stay at the current \$75,000.

Mayor Joe Wardy stressed that the all departments will be required to allocate their monies more effectively.

Representative Cobos asked Mr. George G. Sarmiento, Director of Planning, Research and Development, to address the Planning Department's ability to mail notifications to the citizenry regarding zoning, construction, etc. changes.

Representative Cook added that Neighborhood Associations could disseminate the necessary information regarding zoning, construction, etc. changes to its membership.

Representatives Cushing and Austin asked questions of Mr. Almonte.

Mr. Chapman clarified that, in the event Council went over the 3% tax rate increase, a public hearing must be held and publication in the newspaper must be done.

Representative Cook requested that language be included in the budget resolution pertaining to budget transfers over \$500,000 and contract bids and RFPs over \$1 million be placed on the Regular Agenda

Representative Cobos requested that Representative Cook's suggestions be adopted through the passage of an Ordinance/Resolution.

Mr. Jim Martinez, Chief Administrative Officer, responded he would place items on the following City Council Agenda.

1<sup>st</sup> Motion: Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to change Schedule B, as presented today, as follows:

Mayor and Council:

Leave "one Administrative Assistant", add "one undetermined class position".

City Attorney's Office:

Delete "add one Trial Supervisor" and delete "delete one Assistant City Attorney".

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos



2<sup>nd</sup> Motion: Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve Schedule A.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos

3<sup>rd</sup> Motion: Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to delete #32 from the FY 2005 Budget Resolution.

AYES: Representatives Austin, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: Representative Cushing

4<sup>th</sup> Motion: Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to amend paragraph #19 of the FY 2005 Budget Resolution, to state "any non-vacant classified position . . . which ever is earlier".

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos

Representative Austin moved to approve the budget resolution as amended. There was no second.

5<sup>th</sup> Motion: Motion made by Representative Cobos, seconded by Representative Austin and carried to approve above the FY 2005 Budget Resolution as amended.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos

6<sup>th</sup> Motion: Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to reconsider the above FY 2005 Budget Resolution.

7<sup>th</sup> Motion: Motion made by Representative Cook, seconded by Representative Rojas and carried to amend Schedule B to add back the position of Classification and Compensation Manager by reducing the \$400,000 in merit increases to make up for the cost of the position, \$71,887 (including benefits).

AYES: Representatives Cook and Rojas

NAYS: Representatives Austin, Cushing, Lozano, Escobar and Cobos

8<sup>th</sup> Motion: Motion made by Representative Cushing, seconded by Representative Cobos and carried to approve the FY 2005 Budget Resolution, as amended.

AYES: Representatives Austin, Cushing, Lozano, Escobar and Cobos

NAYS: Representatives Cook and Rojas

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Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to delete the discussion and action on the Resolution that the appropriation for personnel and essential operating supplies made during the 2004-2005 Fiscal Year shall be extended until the new Budget is adopted and expenditures may be made only in accordance with that appropriation.

Representatives Rojas and Cobos were not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to move to the forefront the discussion and action on Statement of Intent of Texas Gas Service Company to Change Rates to implement Gas Reliability Infrastructure Program, Implement an Economic Development Rate Schedule EDR, and Amend Cost of Gas Clause to change hedging provisions, and amend Transportation Schedules to add Balancing Provisions.

Motion made by Representative Lozano, seconded by Representative Rojas and unanimously carried to move the item above into executive session.

Motion made by Representative Cushing, seconded by Representative Escobar and carried to approve the Resolution.

AYES: Representatives Austin, Cushing, Cook, Escobar and Cobos

NAYS: Representatives Lozano and Rojas

## **RESOLUTION**

**WHEREAS,** Texas Gas Service Company, an operating division of ONEOK, Inc. ("Company"), is a regulated utility subject to the exclusive original jurisdiction of the City of El Paso ("City") for rates services and operations within the City and operates pursuant to an assignment of a franchise previously granted to Southern Union Company; and

**WHEREAS,** on May 14, 2004, the Company filed a Statement of Intent to Change Rates pursuant to Texas Utilities Code Sec. 104.301 (Interim Adjustment for Changes in Investment, also known as Gas Reliability Infrastructure Program) requesting an interim adjustment of \$354,485 specifying an effective date 60 days after filing; and

**WHEREAS,** on May 14, 2004, the Company also filed a request for a rate schedule known as Rate Schedule EDR, an economic development rate, which rate would increase the charges to all rate classes, except special transportation customers, by \$0.002 per Ccf, with a total annual effect estimated to be \$330,000 per year specifying an effective date 60 days after filing, and

**WHEREAS,** on May 14, 2004, the Company also filed a request to amend Cost of Gas Clause to reflect hedging transactions which would be permitted with outside third parties, with the assistance of ONEOK personnel, and an amendment to the Cost of Gas Clause and rate schedule T-GEN establishing balancing provisions for transportation customers and

**WHEREAS,** the City Council of the City of El Paso suspended the proposed changes for a period of 45 days from the otherwise effective date, and

**WHEREAS,** the City Council finds that Texas Gas Service gave notice of the increase by means of billing inserts and publication in a newspaper of general circulation for four consecutive weeks starting June 20, 2004, and

**WHEREAS,** the City Council finds that, although the Resolution of September 17, 2002, which resolved the last rate case filing of Southern Union Gas Company, did not specify a rate of return, an income tax calculation, or ad valorem tax or revenue related tax factors, it is reasonable to conclude for purposes of interim rate adjustment filings by Texas Gas Service pursuant to Texas Utilities Code Sec. 104.301 the following:

a. that the rate of return was an overall return on investment of 8.42%, based upon a capital structure of 46.5% debt and 53.5% equity with an embedded cost of debt of 6.25% and that the rate of return of 10.3% on common equity is a reasonable inference from the order in the case;

b. The depreciation rates utilized were the rates approved by the Railroad Commission in Southern Union Gas Company's last case at the Railroad Commission, Gas Utilities Docket 8878;

c. Federal Income Taxes were calculated based upon a corporate federal income tax rate of 35% and

**WHEREAS**, the City Council finds that a reasonable amount to represent the recovery permitted under the Texas Utilities Code Sec. 104.301 for the change in investment for the year ending December 31, 2003, is \$200,000, assigned to customer classes through a change in the customer charge for residential customers of \$0.07 per month, Commercial \$0.25 per month, public authority \$0.77 per month, industrial \$2.12 per month, municipal pumping \$5.91 per month and transportation customers \$15.35 per month, and

**WHEREAS**, Texas Gas Service Company has agreed that, if this change is approved, it will not file a statement of intent for a general rate case for rates within the City of El Paso pursuant to Texas Utilities Code Sec. 104.102 prior to May 1, 2007, and

**WHEREAS**, the City Council finds that it is reasonable, and in the public interest to adopt the proposed changes to the Cost of Gas Clause as attached to this Resolution to include balancing fees for transportation customers, and

**WHEREAS**, the City Council finds that it is in the public interest to allow Texas Gas Service to implement the Economic Development Rider to recover costs expended in the community for Economic Development, apart from other expenses recovered in rates, and

**WHEREAS**, the City Council finds that it is reasonable to allow Texas Gas Service Company to defer recovery of expenses incurred by the City in connection with this proceeding until the next general rate case, such deferral to be without interest or return, and has engaged the firm of Mounce, Green, Myers, Safi & Galatzan, to review the applications and engage in discussions with Texas Gas Service, and

**WHEREAS**, the City Council finds that actual and estimated fees and expenses of \$12,000 are reasonable for the City's participation in the proceeding;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That Texas Gas Service Company be allowed to implement an interim rate adjustment pursuant to Texas Utilities Code Sec. 104.301, due to changes in the value of invested capital in the El Paso service area for the year ending December 31, 2003, in the amount of \$200,000 for the El Paso distribution system allocated among customer classes as provided in the rate schedules attached as Exhibit "B" to this resolution effective for meters read on or after September 3, 2004.
2. That the factors to be used in connection with interim rate adjustment filings under Texas Utilities Code Sec. 104.301 based upon the Southern Union Gas Company Rate Case decided by the City Council of the City of El Paso on September 17, 2002, are:
  - a. an overall return on investment of 8.42%, based upon a capital structure of 46.5% debt and 53.5 % equity with an embedded cost of debt of 6.25% and rate of return of 10.3% on common equity.
  - b. The depreciation rates approved by the Railroad Commission in Southern Union Gas Company's last case at the Railroad Commission, attached to this Resolution as Exhibit "C" Gas Utilities Docket 8878;
  - c. Federal Income Taxes calculated based upon a corporate federal income tax rate of 35%
3. That the Economic Development Rider, Rate EDR, attached to this Resolution as Exhibit D", is approved as a rate with a valid public purpose for a surcharge of \$0.002 per Ccf for all meters read on or after September 3, , 2004, until further action by the City Council,

4. That the Cost of Gas Clause and Rate Schedule T-GEN, attached to this Resolution as Exhibit "E" with changes providing for balancing fees for transportation customers, and allowing the use of ONEOK to assist in hedging transactions with third parties, as amended and attached to this Resolution, is approved for meters read on or after September 3, 2004
5. That all of the above changes and relief are conditioned upon Texas Gas Service Company's agreement not to file a Statement of Intent to increase rates pursuant to Texas Utilities Code Section 104.102 for rates within the City of El Paso prior to May 1, 2007, by executing the Agreement to this action attached as Exhibit "A" to this Resolution and filing the same with the City Clerk prior to the implementation of any of the rate changes in paragraphs 1-4 above. Texas Gas Service is permitted prior to May 1, 2007 request the City Council to consider amendments to the Cost of Gas Clause, Transportation Rate Schedules or changes to general terms and conditions that do not constitute an increase in base rates. However nothing in this paragraph shall be construed to restrict any rights of the City under Title 3, Texas Utilities Code.
6. That Texas Gas Service is ordered to comply in all respects with the annual filings required under Texas Utilities Code Sec. 104.301.
7. That Texas Gas Service is ordered to reimburse the City for its expenses as invoiced by the City, not to exceed \$12,000, and that the recovery by Texas Gas Service of expenses (including expenses incurred by Texas Gas Service) related to this proceeding is deferred until the next general rate case, but no interest or return will be allowed on such recovery.
8. That all relief requested by Texas Gas Service Company not granted herein is denied.

(Exhibits on file with this Resolution in the City Clerk's Office).

Mr. Norman Gordon, outside counsel, explained the requests made by Texas Gas Service Company and subsequent amendments to the Gas Reliability Infrastructure Program, the implementation of Economic Development Rate Schedule, amendments to the Cost of Gas Clause hedging provisions and made recommendations. He answered questions from and responded to comments made by the Council Members.

Mr. Richard Fleager, Vice President of Texas Gas Service Company, responded to questions of Representative Austin and further explained the concept of Gas Reliability Infrastructure Program. He utilized the City of San Antonio as an example of private companies providing funds for economic development projects. He enumerated the number of local charities receiving funds from Oneok, Inc and answered questions from and responded to comments made by the Council Members.

Ms. Lisa Turner, citizen, spoke in opposition to the Economic Development Rider and opined that rider was nothing more than a tax.

Ms. Anita Blair, citizen, requested that the newly appointed City Manager arrived to make the determination whether or not to implement the Economic Development Rider

Mr. Ray Gilbert, citizen, spoke in opposition to the proposals made by Texas Gas Service.

Representative Austin requested that the Council take a separate vote regarding the Economic Development Rider

Representative Cobos spoke in favor of the implementation of Economic Development Rider by the City of El Paso.

Representative Cook noted that private sector companies raise monies to offset economic development costs.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks the discussion and action that the Mayor and City Council approve the Program Manager's parks contingency allocation plan as outlined in P+3's Program Outlook report dated August 12, 2004, attached, as ratified by the Bond Overview Advisory Committee (BOAC) on August 17, 2003. This is a 2000 Quality of Life Bond Project.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks the discussion and action on a Resolution that the City accepts the dedication of a Street Right-of-Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the attached Exhibit "A" from Frontera Vista L.P., a Texas Limited Partnership.

.....  
**RESOLUTION**

**WHEREAS**, on August 31, 2004, the El Paso City Council herein has taken action allowing for the creation of an ad hoc committee to investigate and define geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels, define same, assess impact to commercial and residential development within and around such area, review impact to development within those areas, review various legal authority, planning and engineering data regarding same, and return to the El Paso City Council within 90 days with an appropriate ordinance;

**WHEREAS**, Council is of the determination that such committee should be for the sole purpose listed above and shall terminate upon completion of the assigned task; and

**WHEREAS**, such committee is to consist of three representatives of the El Paso Association of Builders as same may be chosen by the president of that association, Dr. David V. LeMone of the University of Texas at El Paso or his assign, an engineering representative, and a planning representative; and

**WHEREAS**, City Council herein finds that the proposed committee membership is chosen by Council, that such membership is representative of the will of Council, and is fair and uniform in nature as to the interests of each Council member;

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That a six person committee is herein formed, such committee to consist of three representatives of the El Paso Association of Builders as same may be chosen by the president of that association, Dr. David V. LeMone of the University of Texas at El Paso or his assign, an engineering representative from the City engineering department to be chosen by the City Engineer, and a planning representative from the Department of Planning, Research, & Development to be chosen by the Director of that department;
2. That this six person committee shall meet at least once a week, three persons necessary for purposes of a quorum, and shall investigate and define geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels, define same, assess impact to commercial and residential development within and around such area, review impact to development within those areas, review various legal authority, planning and engineering data regarding same, and return to the El Paso City Council within 90 days with an appropriate ordinance;

3. Work to obtain recommendations, at a minimum, from the El Paso Development Coordinating Committee and El Paso City Plan Commission prior to presentation of an appropriate ordinance to Council;
4. Allow for administrative assistance from a member of the El Paso Representative District #2 office as well as the Department of Planning, Research, & Development.

Representative Cushing asked Mr. George G. Sarmiento, Director of Planning, Research and Development, questions pertaining to language within the Resolution.

Mr. Sarmiento noted that language within paragraph one had been revised as per Representative Cushing's request. He answered questions from and responded to comments made by the Council Members.

Representative Cook asked whether or not the term "arroyo" could be legitimized.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the Resolution.

.....  
 Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to approve the request for the Director of Purchasing to reject the bids submitted for Bid No. 2004-148, 40 Yard Front Load Refuse Trucks for the Solid Waste Management Department. The Purchasing Department, Solid Waste Management Department, and Fleet Services Department recommend rejecting all bids.

.....  
 Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the request for the Director of Purchasing to reject the bids submitted for Bid No. 2004-188 5000 Gallon Water Tanker for the Solid Waste Management Department. The Purchasing Department, Solid Waste Management Department, and Fleet Services Department recommend rejecting all bids in order to review the necessity, function, and design of this equipment after the final report from RW Beck is reviewed.

Departments: Solid Waste Department and Fleet Services Department

.....  
 Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the request for the Director of Purchasing to reject the bids submitted for Bid No. 2004-189 Track-Type Tractor (Dozer) for the Solid Waste Management Department. The Purchasing Department, Solid Waste Management Department, and Fleet Services Department recommend rejecting all bids in order to review the necessity, function, and design of this equipment after the final report from RW Beck is reviewed.

Departments: Solid Waste Department and Fleet Services Department

.....  
 Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to award Bid No. 2004-204 Airfield Lighting and Controls

Contractor: EAS Contracting, L. P.  
 Dallas, Texas

Department: Airport  
 Funds Available: 62620031-G620AIP0021-11510-508027  
 Funding Source: Federal Aviation Administration Grant  
 Items: Base Bid I \$4,076,260.00  
 Base Bid II \$1,508,108.00

Total Award: \$5,584,368.00

**RECOMMENDATION:**

The Departments of Aviation, Purchasing and Engineering, recommend the award of this contract to EAS Contracting, L. P. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity.

The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Mr. Byron Johnson, Director of Purchasing, recommended the Council approve the bid.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 378 S. Santa Fe Street AKA 115 W. Paisano Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 26<sup>th</sup>, 2003. The owner of this property, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 6127-6135 N. Mesa Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 2004. The owner of this property, Karl M. Friedman, 5647 A Cory Drive, El Paso, Texas 79932, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the public hearing to determine if the property located at 10600 Michelle Lane, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Charles E. Martin, 10600 Michelle Lane, El Paso, Texas 79924, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to delete the public hearing to determine if the property located at 7429 Rose Circle, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 11<sup>th</sup>, 2003. The owners of this property, Teresa L. Lerma and Eduardo N. Lerma, 1417 Montana Avenue, El Paso, Texas 79902, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week an Ordinance amending Title 15 (Public Services), To amend Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses) of the El Paso Municipal Code by adding Subsection 15.08.120.C.9 to recognize the creation of Chapter 13.30 of this Code which addresses the issuance of permits for film making events; the penalty being as provided in Section 13.30.130 of the Municipal Code.  
.....

**ORDINANCE 15869**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO DELETE SUBSECTION IDENTIFYING THE SPEED LIMIT AS THIRTY-FIVE MILES PER HOUR ON GLENGARRY AVENUE FROM MCRAE BOULEVARD TO DARLINA DRIVE. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

**ORDINANCE 15870**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064, CLASSIFICATION AND COMPENSATION ORDINANCE, TO CHANGE REFERENCES MADE TO THE CHIEF ADMINISTRATIVE OFFICER AND MAYOR TO THE CITY MANAGER AS NECESSITATED BY THE TRANSITION TO A COUNCIL-MANAGER FORM OF GOVERNMENT.**

Ms. Richarda Duffy Momsen, City Clerk, read the revisions to the Ordinance language into the record.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted, as revised.

**ORDINANCE 15871**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, TO CHANGE REFERENCES MADE TO THE CHIEF ADMINISTRATIVE OFFICER AND MAYOR TO THE CITY MANAGER AS NECESSITATED BY THE TRANSITION TO A COUNCIL-MANAGER FORM OF GOVERNMENT.**

Ms. Richarda Duffy Momsen, City Clerk, read the revisions into the record.

The City Clerk called for public comment. There was no public comment.



Motion duly made by Representative Cushing, seconded by Representative Rojas, that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Power

Council Member Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted, as revised.

.....  
**ORDINANCE 15872**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 26-A, BLOCK 29, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS, (108 SENECA DRIVE) FROM C-3 (COMMERCIAL) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval of the rezoning as requested by the applicant. He added that there was no opposition to the zoning change request and read into the record prohibited C-4 property zoning uses. He answered questions from and responded to comments made by the Council Members.

Representative Rojas added that she had met with the property owner and requested that he restrict the property use to that of cabinet making shop.

Representative Cobos noted, for the record, that the applicant "Antonio Cobos" was not himself.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15873**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3, BLOCK 3, PICNIC GROVE SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (9725 ALAMEDA AVENUE) FROM M-1/SC (LIGHT MANUFACTURING/SPECIAL CONTRACT) TO C-4/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15874**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF WEST 50' OF LOT 30, BLOCK 7, MAGOFFIN HOMESTEAD ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1127 EAST SAN ANTONIO AVENUE) FROM A-3/H (APARTMENT/HISTORIC) TO S-D/H (SPECIAL DEVELOPMENT/HISTORIC). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that the Planning, Research and Development Department had received one letter in opposition, presented at the CPC meeting, and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar and Cobos  
NAYS: None ABSTAIN: Council Member Rojas Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15875**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF ETHEL ROAD ADJACENT TO SUNSET VIEW SUBDIVISION UNIT 1, W.H. LENOX SURVEY NO. 432, NELLIE D. MUNDY SURVEY NO. 241, J.L. JOHANNSEN SURVEY NO. 185, AND S.A. & M.G. R.R. CO. SURVEY NO.'S 265 AND 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval of the vacation. He noted that the applicant would pay \$70,000 for the right-of-way acquisition. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Representative Austin asked whether or not the right-of-way was improved or unimproved and what the value of the improved right-of-way was.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
Motion made by Representative Lozano, seconded by Representative Rojas and carried to postpone ninety (90) days, closest meeting is the Regular City Council Meeting scheduled for November 30, 2004, the public hearing in accordance with Section 6.16.80 of the El Paso Municipal Code to determine whether Veronica Pena d/b/a United Independent Cab Company is fit, willing and able to provide taxi service in the City of El Paso and whether the Chief of Police should be authorized to issue an operating permit to United Independent Cab Company to operate (19) taxicabs pursuant to Title 6 of the Municipal Code.

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos  
NAYS: Representative Cook

Ms. Sylvia Borunda-Firth, Assistant City Attorney, explained the reasoning for the public hearing and what determinations the Council must make prior to the issuance of the operating permit. She added that taxicab permits are not transferable.

Mr. Danny Fuente, Vehicle for Hire Supervisor, Taxi Detail, Police Department, provided background information regarding the pertinent Municipal Code sections for taxicab company operations and other necessary information for the operation of a taxicab company in El Paso. He recommended that the Council approve and answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy asked that proponents and opponents speak for 10 minutes each.

Ms. Maria Victoria Peña, proposed owner of United Independent Cab Company, spoke in Spanish and read into the record her explanation why she was purposing to operate a taxicab company. Mr. Armando Armanza interpreted. She answered questions from and responded to comments made by the Council Members.

Mr. Gutierrez spoke in favor of United Independent Cab Company.

Mr. Juan Carlos Garay, attorney representing Ms. Peña, commented on lawsuit

Mr. Mario Gonzalez, attorney representing Sun City Cab Company, spoke in opposition to the purposed taxicab company implementation and requested the matter be postponed two months. He answered questions from and responded to comments made by the Council Members.

.....  
**ADDITION TO THE AGENDA**

**\*RESOLUTION**

**Whereas**, the City has previously purchased an AFIS system and a Palm Print system from Sagem Morpho, Inc.; and

**Whereas**, the City entered into an agreement for software and hardware maintenance services for these complicated computer systems in FY 2003-2004; and

**Whereas,** Sagem Morpho is the sole source provider of the necessary maintenance services for their computer systems

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City authorize the Director of Purchasing to issue purchase order(s) to SAGEM MORPHO, Inc., provider of hardware and software maintenance for the Police Department's AFIS and Palm Print systems, for FY 2004/2005 through FY 2007/2008 with a total contract value not to exceed \$548,000.

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to authorize the use of District 3 Discretionary Funds for the installation of a street light at Hidden Valley Park on an existing pole on Polo Inn at an estimated cost of \$464.00.

NOTE: The request was revised to add the word "Park".

Motion made by Representative Cobos, seconded by Representative Cushing and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: Representatives Cook

An ordinance levying 2005 taxes.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 21, 2004**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to recess this meeting at 2:54 p.m. to discuss the Special City Council Meeting.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconvene this meeting at 2:56 p.m. from the Special City Council Meeting.

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week the following executive session item:

Discussion and action on Truett L. Maddox, et. al. vs. The City of El Paso, et. al., Cause No. 92-14046 (551.071)

Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 3:15 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Subrogation Interest Regarding Dale Munoz (551.071)
- B. Discussion and action on pending claim regarding Vicki Magness (551.071)
- C. TREMCO Inc. and Four Star Roofing Claim (551.071)
- D. **BEST VALUE PROCUREMENT:** (551.071)

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

Bid No.:	2004-231	Medical Examiners Facility Modification
Contractor:		Jan-Car, Inc. Horizon City, Texas
Department:		City-County Health and Environmental District
Funding source:		508027-06086-41150023-PPWHE04002, TDH Public Health Pre. FY04 Grant \$250,000.00 508027-05621-41150012-PPWHE04002, TCEQ PM Sampling Grant \$224,760.00 508027-06084-41150015-PPWHE04002, TDH Bio-Terrorism Laboratory Grant \$26,000.00 508027-05533-41150015-PPWHE04002, Dept. of Health & Human Svcs. Grant \$196,240.00
Items:		Base Bid \$697,000.00
Total award:		\$697,000.00

The Departments of Engineering, Purchasing and the City-County Health and Environmental District recommend the award of this contract to Jan-Car, Inc. City Council hereby finds that this Offeror has provided the Best Value Proposal to the City. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

- E. Discussion and action regarding the rescinding of the demolition of the property at 164 Rio Monte due to the progress of work performed, and being performed, by the property owner. (551.071)

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to adjourn the Executive Session at 4:03 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representative Lozano was not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City settle its subrogation interest in the claim of **DALE MUÑOZ**, as recommended by the City Attorney, and that the appropriate Assistant City Attorney be authorized to sign all necessary settlement documents on behalf of the City.  
.....

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the claim entitled **VICKI MAGNESS**, be **DENIED** as recommended by the City Attorney.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the Mayor sign a Roofing Services Agreement between TREMCO Inc., Four Star Roofing and the City to resurface the Exhibit Hall roof of the Civic Center and the Chamber of Commerce roof, provided that funds are available, as recommended by the City Attorney's Office.

.....  
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 4:10 p.m.

APPROVED AS TO CONTENT:

  
Richarda Duffy Momsen, City Clerk